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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of	:	**Confirmation No. 3391**
Nakaji TAKEDA et al.	:	Attorney Docket No. 2004_1064A
Serial No. 10/500,965	:	Group Art Unit 3651
Filed April 4, 2005	:	Examiner Timothy R. Waggoner
A TABLET FEEDER		**Mail Stop: AMENDMENT**

SUBMISSION OF EPC COMMUNICATION

Commissioner for Patents
    P.O. Box 1450
    Alexandria, VA 22313-1450

Sir:

For the Examiner's consideration, a copy of an official communication received in the corresponding EPC application is submitted herewith. The cited references were previously submitted in the present application in the IDS of July 8, 2004 and the IDS of April 25, 2005.

Respectfully submitted,

Nakaji TAKEDA et al.

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Application No.	Ref.	Date
03 700 469.4 - 1238	041757EP/SG/mw	16.03.2007

Applicant
Yuyama Mfg. Co., Ltd.

Communication pursuant to Article 96(2) EPC

The examination of the above-identified application has revealed that it does not meet the requirements of the European Patent Convention for the reasons enclosed herewith. If the deficiencies indicated are not rectified the application may be refused pursuant to Article 97(1) EPC.

You are invited to file your observations and insofar as the deficiencies are such as to be rectifiable, to correct the indicated deficiencies within a period

of   4   months

from the notification of this communication, this period being computed in accordance with Rules 78(2) and 83(2) and (4) EPC.

One set of amendments to the description, claims and drawings is to be filed within the said period on separate sheets (Rule 36(1) EPC).

Failure to comply with this invitation in due time will result in the application being deemed to be withdrawn (Article 96(3) EPC).

Breugelmans, Jan
Primary Examiner
for the Examining Division

Enclosure(s):   3 page/s reasons (Form 2906)

The examination is being carried out on the **following application documents**:

Description, Pages

1-10   as originally filed

Claims, Numbers

1-3   as originally filed

Drawings, Sheets

1/5-5/5   as originally filed

1.   The following documents are referred to in this communication:
      D1: US-A-5 709 063 (YUYAMA ET AL) 20 January 1998 (1998-01-20)
      D2: US-A-5 671 592 (YUYAMA ET AL) 30 September 1997 (1997-09-30)
      D3: US 2002/134790 A1 (TAMAOKI YUICHI) 26 September 2002 (2002-09-26)
      D4: US-B1-6 471 090 (INAMURA ATSUO ET AL) 29 October 2002 (2002-10-29)
      D5: EP-A-0 760 234 (SANYO ELECTRIC CO., LTD) 5 March 1997 (1997-03-05)

2.   The present application does not meet the requirements of Article 52(1) EPC,
      because the subject-matter of claims 1-2 is not new in the sense of Article 54(1) and
      (2) EPC. However, the combination of the features of dependent claim 3 is neither
      known from, nor rendered obvious by the available prior art.

3.   The document D1 discloses:
             A tablet feeder in which tablets are delivered from a tablet storage case

| Bescheid/Protokoll (Anlage) | Communication/Minutes (Annex) | Notification/Procès-verbal (Annexe) |

Datum
Date 16.03.2007
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Sheet 2
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Anmelde-Nr.:
Application No.: 03 700 469.4
Demande n°:

mounted on a case support table, and when the tablets are passed through a delivery passage formed in the case support table, quantity of the passed tablets is counted by a counting means (Fig.3A, 3B; Col.5, lines 19-24), comprising

case detection means for outputting a detection signal from start of mounting of the tablet storage case on the case support table, so that the counting means is kept in off state until a start state of mounting of the tablet storage case is detected by the case detection means and is set to on state after detection (Col.5, lines 24-31, 59-67).

The features concerning the outputting of a detection signal and the on/off state of the counting means are not explicitly mentioned in document D1.

However, according to document D1 (see Col.5, lines 19-31), the processing unit automatically sets the number of tablets when mounting the tablet storage case to the case support table. Therefore there should be a signal (detection signal) which is sent to the processing unit, when the tablet storage case is mounted to the case support table.

Secondly, when mounting the tablet storage case to the case support table, the number of tablets is determined by weighing the tablet storage case and is stored into the counter, which is decremented when tablets are dispensed out of the tablet storage case. Therefore when the number of tablets is stored into the counter, the counter is in an on state, and before storage the counter is in an off state. Therefore both features are implicitly disclosed in document D1.

The subject-matter of claim 1 is therefore not new (Article 54(1) and (2) EPC).

4. Dependent claim 2 does not appear to contain any additional features which, in combination with the features of claim 1, meet the requirements of the EPC with respect to novelty (Article 54(1) and (2) EPC), the reasons being as follows:
The features of claim 2 (display means, identification means) are disclosed in document D1 (see Col.4, lines 53-65; Col.5, lines 10-18).

5. However, the combination of the features of dependent claim 3 is **neither known from, nor rendered obvious by, the available prior art**. It is suggested therefore

that a new independent claim be drafted to include these features, bearing in mind that the features known in combination in claim 1 should be placed in the preamble of such a claim in accordance with Rule 29(1) EPC.

6. The applicant is requested to file new claims which take account of the above comments. The following remarks should be taken into consideration:

6.1 To meet the requirements of Rule 29(1) EPC, the independent claims should be recast in the two-part form, with those features which in combination are part of the prior art (documents D1) being placed in the preamble.

6.2 To meet the requirements of Rule 27(1)(b) EPC, the documents D1-D5 should be identified in the description and the relevant background art disclosed therein should be briefly discussed. The applicant should at the same time bring the description into conformity with the amended claims.

6.3 Care should be taken during revision, especially of the introductory portion and any statements of problem or advantage, not to add subject-matter which extends beyond the content of the application as originally filed (Article 123(2) EPC).

6.4 In order to facilitate the examination of the conformity of the amended application with the requirements of Article 123(2) EPC, the applicant is requested to clearly identify the amendments carried out, irrespective of whether they concern amendments by addition, replacement or deletion, and to indicate the passages of the application as filed on which these amendments are based. If the applicant regards it as appropriate these indications could be submitted in handwritten form on a copy of the relevant parts of the application as filed.